



Human Services Committee

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09500HB5492ham001

LRB095 15957 DRJ 47315 a

1 AMENDMENT TO HOUSE BILL 5492

2 AMENDMENT NO. _____. Amend House Bill 5492 on page 1,
3 after line 3, by inserting the following:

4 "Section 2. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-130 as follows:

7 (20 ILCS 2310/2310-130) (was 20 ILCS 2310/55.82)

8 Sec. 2310-130. Medicare or Medicaid certification fee;
9 investigation fee; Health Care Facility and Program Survey
10 Fund. To establish and charge a fee to any facility or program
11 applying to be certified to participate in the Medicare program
12 under Title XVIII of the federal Social Security Act or in the
13 Medicaid program under Title XIX of the federal Social Security
14 Act to cover the costs associated with the application,
15 inspection, and survey of the facility or program and
16 processing of the application. The Department shall establish

1 the fee by rule, and the fee shall be based only on those
2 application, inspection, and survey and processing costs not
3 reimbursed to the State by the federal government. The fee
4 shall be paid by the facility or program before the application
5 is processed.

6 To charge a fee to any Freestanding Emergency Center
7 licensed under Section 32.5 of the Emergency Medical Services
8 (EMS) Systems Act or to any hospital licensed under the
9 Hospital Licensing Act to cover the cost of an investigation of
10 allegations of abuse or neglect of a vulnerable adult conducted
11 under Section 32.6 of the Emergency Medical Services (EMS)
12 Systems Act or Section 9.6 of the Hospital Licensing Act. The
13 fee shall be paid by the Freestanding Emergency Center or
14 hospital upon the conclusion of the Department's
15 investigation.

16 The fees received by the Department under this Section
17 shall be deposited into the Health Care Facility and Program
18 Survey Fund, which is hereby created as a special fund in the
19 State treasury. Moneys in the Fund shall be appropriated to the
20 Department and may be used for any costs incurred by the
21 Department, including personnel costs, in the processing of
22 applications for Medicare or Medicaid certification or in the
23 investigation of allegations of abuse or neglect of a
24 vulnerable adult under Section 32.6 of the Emergency Medical
25 Services (EMS) Systems Act or Section 9.6 of the Hospital
26 Licensing Act.

1 Notwithstanding any other rulemaking authority that may
2 exist, neither the Governor nor any agency or agency head under
3 the jurisdiction of the Governor has any authority to make or
4 promulgate rules to implement or enforce the provisions of this
5 amendatory Act of the 95th General Assembly. If, however, the
6 Governor believes that rules are necessary to implement or
7 enforce the provisions of this amendatory Act of the 95th
8 General Assembly, the Governor may suggest rules to the General
9 Assembly by filing them with the Clerk of the House and
10 Secretary of the Senate and by requesting that the General
11 Assembly authorize such rulemaking by law, enact those
12 suggested rules into law, or take any other appropriate action
13 in the General Assembly's discretion. Nothing contained in this
14 amendatory Act of the 95th General Assembly shall be
15 interpreted to grant rulemaking authority under any other
16 Illinois statute where such authority is not otherwise
17 explicitly given. For the purposes of this amendatory Act of
18 the 95th General Assembly, "rules" is given the meaning
19 contained in Section 1-70 of the Illinois Administrative
20 Procedure Act, and "agency" and "agency head" are given the
21 meanings contained in Sections 1-20 and 1-25 of the Illinois
22 Administrative Procedure Act to the extent that such
23 definitions apply to agencies or agency heads under the
24 jurisdiction of the Governor.

25 (Source: P.A. 91-239, eff. 1-1-00.); and

1 on page 3, line 23, after the period, by inserting the
2 following: "Upon completing an investigation under this
3 subsection, the Department shall incorporate its findings into
4 any report it prepares in connection with certifying the FEC
5 for participation in the Medicare program under Title XVIII of
6 the federal Social Security Act or in the Medicaid program
7 under Title XIX of the federal Social Security Act; this action
8 is in addition to any action the Department may take with
9 respect to the FEC's licensure under this Act based on those
10 findings."; and

11 on page 4, after line 24, by inserting the following:

12 "(i) Notwithstanding any other rulemaking authority that
13 may exist, neither the Governor nor any agency or agency head
14 under the jurisdiction of the Governor has any authority to
15 make or promulgate rules to implement or enforce the provisions
16 of this amendatory Act of the 95th General Assembly. If,
17 however, the Governor believes that rules are necessary to
18 implement or enforce the provisions of this amendatory Act of
19 the 95th General Assembly, the Governor may suggest rules to
20 the General Assembly by filing them with the Clerk of the House
21 and Secretary of the Senate and by requesting that the General
22 Assembly authorize such rulemaking by law, enact those
23 suggested rules into law, or take any other appropriate action
24 in the General Assembly's discretion. Nothing contained in this
25 amendatory Act of the 95th General Assembly shall be

1 interpreted to grant rulemaking authority under any other
2 Illinois statute where such authority is not otherwise
3 explicitly given. For the purposes of this amendatory Act of
4 the 95th General Assembly, "rules" is given the meaning
5 contained in Section 1-70 of the Illinois Administrative
6 Procedure Act, and "agency" and "agency head" are given the
7 meanings contained in Sections 1-20 and 1-25 of the Illinois
8 Administrative Procedure Act to the extent that such
9 definitions apply to agencies or agency heads under the
10 jurisdiction of the Governor."; and

11 on page 5, line 11, before the period, by inserting the
12 following:

13 ". Upon completing an investigation under this Section, the
14 Department shall incorporate its findings into any report it
15 prepares in connection with certifying the hospital for
16 participation in the Medicare program under Title XVIII of the
17 federal Social Security Act or in the Medicaid program under
18 Title XIX of the federal Social Security Act; this action is in
19 addition to any action the Department may take with respect to
20 the hospital's licensure under this Act based on those
21 findings"; and

22 on page 5, after line 24, by inserting the following:

23 "Notwithstanding any other rulemaking authority that may
24 exist, neither the Governor nor any agency or agency head under

1 the jurisdiction of the Governor has any authority to make or
2 promulgate rules to implement or enforce the provisions of this
3 amendatory Act of the 95th General Assembly. If, however, the
4 Governor believes that rules are necessary to implement or
5 enforce the provisions of this amendatory Act of the 95th
6 General Assembly, the Governor may suggest rules to the General
7 Assembly by filing them with the Clerk of the House and
8 Secretary of the Senate and by requesting that the General
9 Assembly authorize such rulemaking by law, enact those
10 suggested rules into law, or take any other appropriate action
11 in the General Assembly's discretion. Nothing contained in this
12 amendatory Act of the 95th General Assembly shall be
13 interpreted to grant rulemaking authority under any other
14 Illinois statute where such authority is not otherwise
15 explicitly given. For the purposes of this amendatory Act of
16 the 95th General Assembly, "rules" is given the meaning
17 contained in Section 1-70 of the Illinois Administrative
18 Procedure Act, and "agency" and "agency head" are given the
19 meanings contained in Sections 1-20 and 1-25 of the Illinois
20 Administrative Procedure Act to the extent that such
21 definitions apply to agencies or agency heads under the
22 jurisdiction of the Governor."; and

23 on page 8, line 13, after the period, by inserting the
24 following: "Upon completing an investigation under this
25 subsection, the Department shall incorporate its findings into

1 any report it prepares in connection with certifying the
2 hospital for participation in the Medicare program under Title
3 XVIII of the federal Social Security Act or in the Medicaid
4 program under Title XIX of the federal Social Security Act;
5 this action is in addition to any action the Department may
6 take with respect to the hospital's licensure under this Act
7 based on those findings."; and

8 on page 9, after line 15, by inserting the following:

9 "(i) Notwithstanding any other rulemaking authority that
10 may exist, neither the Governor nor any agency or agency head
11 under the jurisdiction of the Governor has any authority to
12 make or promulgate rules to implement or enforce the provisions
13 of this amendatory Act of the 95th General Assembly. If,
14 however, the Governor believes that rules are necessary to
15 implement or enforce the provisions of this amendatory Act of
16 the 95th General Assembly, the Governor may suggest rules to
17 the General Assembly by filing them with the Clerk of the House
18 and Secretary of the Senate and by requesting that the General
19 Assembly authorize such rulemaking by law, enact those
20 suggested rules into law, or take any other appropriate action
21 in the General Assembly's discretion. Nothing contained in this
22 amendatory Act of the 95th General Assembly shall be
23 interpreted to grant rulemaking authority under any other
24 Illinois statute where such authority is not otherwise
25 explicitly given. For the purposes of this amendatory Act of

1 the 95th General Assembly, "rules" is given the meaning
2 contained in Section 1-70 of the Illinois Administrative
3 Procedure Act, and "agency" and "agency head" are given the
4 meanings contained in Sections 1-20 and 1-25 of the Illinois
5 Administrative Procedure Act to the extent that such
6 definitions apply to agencies or agency heads under the
7 jurisdiction of the Governor."